

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/731,419
Filing Date 12/9/2003
Confirmation No. 3921
First Named Inventor Bassem A. Bejjani, MD
Assignee Sacred Heart Medical Center
Group Art Unit 1637
Examiner David C Thomas
Attorney's Docket No. SH1-0001US
Title: Methods of Designing, Synthesizing, and Propagating Reference Nucleic
Acids

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

From: David A. Divine (Tel. 509-324-9256; Fax 509-323-8979)
Customer Number: 29150
Lee & Hayes, PLLC
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Spokane, WA 99201

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The Notice of Allowance includes an Examiner's Statement of Reasons for Allowance, which states that:

[N]o prior art was found that teaches or suggests a method of creating a clinical reference solution comprising, for each clinically relevant site, designing an oligonucleotide comprising an arrangement of bases that models the clinically relevant site as isolated from clinically irrelevant nucleic acid, including designing two ends of the arrangement to form primer sites and performing a synthesis base-by-base, from end to end, of a single strand of bases for each arrangement that models the

clinically relevant site and forms the primer targets, and mixing each single strand into a solution to form a collection of oligonucleotides, each representing a clinically relevant site of a gene....

However, Applicant notes that none of the independent claims recites the quoted language exactly as quoted in the Examiner's Statement of Reasons for Allowance. Nevertheless, Applicant submits that each of the independent claims is allowable for the features that it recites.

Respectfully submitted,

Date: August 8, 2008

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Fees will be paid by credit card through the EFS Web; however the
Commissioner is hereby authorized to charge any deficiency of fees and credit any
overpayments to Deposit Account Number 12-0769.

Respectfully Submitted,

Dated: August 8, 2008

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